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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,430	03/24/2004	Roberto Lopez	23185.00	4262

7590 10/31/2005

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT PAPER NUMBER

3618

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/807,430	Applicant(s) LOPEZ, ROBERTO	
	Examiner Frank Vanaman	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/24/04</u> . | 6) <input type="checkbox"/> Other: ____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ends extending outwardly and rearwardly of the remaining portion of the step (claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 12, the recitation "standard" renders the claim indefinite in that it is not clear what limitations are or are not intended to be associated with this term. In this case, applicant may desire to recite "a trailer plug".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. (US 6,491,315, cited by applicant) in view of, Duerkob (US 4,954,808). Hagen et al. teach a step bar for a vehicle, including a tongue (32) for attachment to a receiver hitch, a tubular bar (12) extending perpendicularly from the tongue in left and right directions wherein the rearmost portions of the left and right ends extend rearwardly past the frontmost portions of the left and right ends, to the breadth claimed, and having a rear facing wall (14), with a plurality of signal lamps (28) including a left-most lamp and a right-most lamp provided in the rear facing wall, which may be connected to a brake light circuit of a vehicle, through wiring which leads to a connector (42) which mates with a standardized connector on the vehicle (col. 3, lines 35-36), the step being provided with a non-slip surface (20, 26) on the top of the bar. The reference to Hagen et al. fails to teach left and right lamps which are connected to left and right turn signal circuits of the vehicle. Duerkob teaches that it is old and well known to provide a signal lamp device (1) with left and right signal lamps connected to left and right turn signal circuits (e.g., 7, 9), in addition to a brake light circuit (e.g., 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least left and right lamps of the step taught by Hagen et al. with connections to respective turn signal circuits as taught by Duerkob, for the purpose of providing further warning (i.e., turns as well as braking) to following vehicles.

As regards claim 4, the reference to Hagen et al. as modified by Duerkob fails to teach the non-slip surface as being attached to the bar with adhesively,

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however the use of adhesives is notoriously old and well known and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to attach the surface taught by Hagen et al. with an adhesive for the purpose of ensuring an inexpensive yet durable connection between the step and the tread surface.

As regards claims 10 and 11, the reference to Hagen et al. as modified by Duerkob fails to teach a particular dimension to the tubular structure of the step, however sizing of an already taught element to make use of commonly available structural materials is very well known in the manufacturing arts, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to choose a 2 x 3 or 2 x 4 tubing size for the purpose of using a stock tubing material, saving manufacturing costs.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. in view of Duerkob and Mueller (US 6,170,842). The references to Hagen et al. and Duerkob are discussed above and fail to teach the tread material as being diamond plate. Mueller teaches a step element for use on a vehicle which includes a tread portion formed from diamond plate material (figure 2, 15b). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the tread portion of the step bar of Hagen et al. as modified by Duerkob with a diamond plate tread portion as taught by Mueller for the purpose of providing a more durable step surface than may be had from a resilient element.

6. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. in view of Duerkob and Cipolla (US 6,769,704). The reference to Hagen et al. as modified by Duerkob is discussed above and fails to teach the ends of the bar as extending at about a 45 degree angle, and the provision of a plurality of through holes in the tongue. Cipolla teaches a step bar for attachment to a trailer hitch, which includes a step body (11, 12) which includes left and right

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ends (12a, 12b) which extend at about a 45 degree angle with respect to the central step portion, and which includes a tongue (25, note figure 4), which includes a plurality of apertures. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the ends of the bar taught by Hagen et al. as modified by Duerkob with angled terminations as taught by Cipolla for the purpose of creating a more rounded appearance at the rear portion of the vehicle, further it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the plurality of through holes for the purpose of allowing the mounting of the step bar to be adjusted (e.g., in the case of the bumper extending further rearwardly on different vehicles with respect to the hitch receiver).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. in view of Duerkob and Osborne, Sr. (US 4,965,704). The reference to Hagen et al. as modified by Duerkob is discussed above and fails to teach the provision of at least one running light in the assembly. Osborne, Sr. teaches that it is old and well known to provide a running light assembly (e.g., 61) on a step portion (11, phantom, figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least one running light as suggested by Osborne Sr. in the step and light assembly of Hagen et al. as modified by Duerkob for the purpose of providing some illumination of the vehicle under driving conditions when the driver is neither braking nor anticipating a turn.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lippert (US 4,800,471); Craven (US 6,357,899), Pratt (US 6,409,367), Payne (US 6,439,589), and Hamelink et al. (US 6,886,968) teach vehicle step and lighting assemblies of pertinence.

9. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

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Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

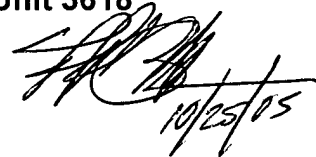
A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618



Handwritten signature of F. Vanaman, dated 10/25/05.